IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1903 OF 2003

IN

SUIT NO.688 OF 2001

Mrs Mukul H.Ghia & anr .. Plffs

versus

Kamalnayan H.Javeri & ors .. Defts

Mr A.B.Dubey i.b Bharat Vaishnava for Plffs

Ms Mirasi i.b Shah & Sanghavi for Defts

CORAM : D.G. KARNIK, J

DATED : 21st April 2005.

P.C:-

1. Heard learned counsel for the plaintiff and the defendant no.1. None present for the defendant nos. 2 and 3. This motion is taken out by the plaintiff praying that the matter be placed on board for ex parte decree against the defendants for want of filing of the written statement. By an order dated 28th March, 2005 office report was called as to which of the defendants has not filed the written statement.

Accordingly, the Section Officer Board Department has filed a report dated 29th March, 2005 stating that the defendant no. 2 has filed the written statement on 12th August, 2003 but the defendant nos. 1 and 3 have not filed the written statement. Since the defendant nos. 1 and 3 have not filed the written statement, motion is partly allowed and office is directed to place the matter on board of ex parte hearing of the suits against the defendant nos. 1 and 3. Motion is disposed of.

D.G.KARNIK, J